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Message Text

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E.O. 11652: N/A
TAGS: PINT, CO
SUBJECT: DEVELOPMENTS IN EL SOCORRO TRIAL

REF: BOGOTA 3871 AND 4579

BEGIN SUMMARY. IN RESPONSE TO A DEFENSE ATTORNEY'S COMPLAINTS THAT HIS CLIENTS COULD NOT RECEIVE A FAIR TRIAL IN EL SOCORRO, SANTANDER, THE COLOMBIAN SUPREME COURT UNANIMOUSLY DECIDED TO ORDER A CHANGE OF VENUE, AND HAS MOVED THE TRIAL TO BOGOTA AND THE JURISDICTION OF THE COMMANDER OF THE BRIGADE OF MILITARY INSTITUTES (BIM). THIS CHANGE OF VENUE WILL RESULT IN A CONSIDERABLE DELAY IN COMPLETION OF THE TRIAL SINCE A LARGE SEGMENT OF THE PROCEEDINGS MUST BE REPEATED WITH NEW JUDICIAL AUTHORITIES. END SUMMARY.

1. THE CONTROVERSIAL EL SOCORRO COURT MARTIAL OF ALLEGED MEMBERS OF THE ELN URBAN GUERRILLA NET RECEIVED RENEWED PRESS ATTENTION AS THE RESULT OF A PETITION BY ONE OF THE DEFENSE LAWYERS TO HAVE THE TRIAL SHIFTED FROM THE HEADQUARTERS OF THE 5TH BRIGADE
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IN EL SOCORRO, SANTANDER TO SOME OTHER LOCATION WHERE

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A FAIR TRIAL COULD BE OBTAINED. THE COURT VOTED
UNANIMOUSLY ON JUNE 28 TO A CHANGE OF VENUE FROM
EL SOCORRO TO BOGOTA.

2. THE SUPREME COURT GAVE THE FOLLOWING REASONS FOR ITS
DECISION. FIRST, THE UNANIMOUS INTEREST ON THE PART OF THE
DEFENSE LAWYERS FOR THE CNAGE IN ORDER TO ASSURE THE RIGHTS
OF THEIR CLIENTS (AMOUNG OTHER RIGHTS, THAT OF ACCESS TO
THEIR ATTORNEYS). SECOND, THE COURT ALLUDED TO NUMERIOUS
FACTORS (UNSPECIFIED) WHICH IMPEDED IN EL SOCORRO THE
SERENE CLIMATE NECESSARY FOR JUSTICE.

3. THE COURT MARTIAL HAS NOW BEEN TRANSFERRED TO THE
JURISDICTION OF THE COMMANDER OF THE INSTITUTE
OF MILITARY BRIGADES (MILITARY AUTHORITY FOR THE SPECIAL
DISTRICT OF BOGOTA) WHO WILL HAVETHE RESPONSIBILITY OF
APPOINTING A JUDGE OF FIRST INSTANCE, AND THE OTHER COURT
MARTIAL AUTHORITIES AND AUXILIARIES.

4. COMMENT:. THIS CHANGE OF VENUE, WHICH IS ONLY THE
LATEST IN A LONG SERIES OF LEGAL COMPLICATIONS,
DELAYS THE ASSAULTS ON THE INTEGRITY OF THE
EL SOCORRO COURT MARITAL, WILL ENTAIL A SUBSTANTIAL
DELAY IN THE COURT MARTIAL WHICH HAS ALREADY BEEN UNDER-
WAY FOR OVER THREE MONTHS AND WHICH HAS GENERATED OVER
TEN THOUSAND PAGES OF COURT RECORDS. THE SUPREME
COURT LIMITED ITSELF TO A DECISION ON THE PETITION FOR
A CHANGE OF VENUE AND DID NOT ADDRESS ITSELF TO THE ISSUE
OF NULLIFICATION WHICH HAD BEEN RAISED BY DEFENSE ATTORNEYS
AND RECOMMENDED BY THE JUDGE ADVOCATE GENERAL OF THE
ARMED FORCES. NEVERTHELESS, MANY OF THE GROUNDS FOR
NULLIFICATION ARE NOW VOIDED BY THE CHANGE OF VENUE, AND
IN ADDITION, THE NECESSARY REPETITION OF ALL THE PROCEDURAL
RITUALS WILL ALLOW THE NEWLY CONSTITUTED COURT MARTIAL
TO AVOID MANY OF THE PITFALLS BROUGHT TO LIGHT IN THE
EARLIER PROCEEDINGS.
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